

**DURHAM, NORTH CAROLINA  
MONDAY, APRIL 17, 2006  
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Absent: None.

Also present: City Manager Patrick Baker, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Pro Tempore Cole-McFadden called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Pro Tempore Cole-McFadden asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Baker addressed the following issues: Allegations of alleged rape by the Duke Lacrosse team. He briefed Council on the recent trip to Duke University by the Durham Police Department on April 13 noting it was pre-arranged with the Duke Public Safety Office, commented on the access to dorms and noted rights of individuals were not infringed upon by the Durham Police Department.

Council Member Clement asked staff where does jurisdiction of the Durham Police Department end relative to Duke University.

City Manager Baker noted the jurisdiction of the Durham Police Department extends onto the Duke University property and efforts are coordinated with Duke law enforcement agency.

Council Member Brown requested a report on the extended jurisdictional right given by the City to NCCU and Duke University campus police last year.

Responding to a question raised by Council Member Stith regarding what action has been taken relative to off-campus parties at Duke, City Manager Baker provided Council with handout which included a listing of news articles from The Herald-Sun. He identified primary tools [noise ordinance and public urination ordinance, alcohol enforcement by City and ALE, use of Duke University public safety extended jurisdiction contiguous to the campus] that the City has to deal with off-campus / or any party held in the City of Durham and secondary tools [zoning enforcement, code enforcement nuisance abatement]. He commented on meetings held with Trinity Park residents where they raised concern with off-campus parties and offered as a suggestion raising the fine from \$150 to \$500 for a noise violation and the landlord registration which would be discussed during the 2007 long session. City Manager Baker discussed some of the charges individual members of the Lacrosse team had been charged with and articles regarding alcohol/noise violations regarding Duke University beginning in January 2005. In summary, he noted the City has been actively enforcing all of these ordinances and will continue

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to work with Duke University to strengthen that relationship so that we don't have those issues that have been occurring in that neighborhood.

Council held discussion on what triggers a citation to be issued,

Council Member Stith made comments on having zero tolerance for noise violation and holding the university to same level of accountability.

Council Member Brown expressed concern about the party held last night at 1111 Urban Avenue and noted the problem continues, but the response from Duke University is not adequate.

Mayor Pro Tempore Cole-McFadden suggested that Council meet with officials from Duke University to address concerns and that a summit of the total community be held to address all concerns.

Council Member Clement made comments on the issue of underage drinking and asked that this issue be addressed during the 2007 legislative session. Also he asked what news articles were found regarding NCCU.

City Manager Baker noted he couldn't find any news articles for NCCU, but asked the Durham Police Department to provide any information for any issues regarding NCCU students.

Mayor Bell discussed courses of action he wanted the City Manager to take: 1) Use the same format as he did for Duke to review incidents cited throughout this community and their disposition 2) Suggested that the Manager and any Council Members who want to participate be invited to speak to the Student Conduct Task Force to address concerns.

Council Member Brown said he is looking forward to participating in this process.

Finally, City Manager Baker made comments on racist flyers placed throughout Durham. He noted the Police Department will be providing an update at the April 20, 2006 Work Session.

Council Member Stith asked staff if there is a connection between cross burnings, spray painting of cars and distribution of flyers.

City Manager Baker noted staff is looking to see if there is any connection.

There were no priority items from the City Attorney.

City Clerk Gray swore in Thomas M. Niemann, Paige Farrington, Jack J. Preiss, George K. Quick and John S. Ramsey, Jr. as members of the Durham Housing Authority Board of Commissioners.

Mayor Bell extended congratulations to the board members and noted Council looks forward to their service.

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Mayor Pro Tempore Cole-McFadden applauded the Hillside High School Drama Team for their performances of *Perilous Times* at the Carolina Theatre, commended staff at Lyon Park Community Life Center for their outstanding activities for the youth and attended the Spring Gospel Fest. Also she challenged the media to follow her on the weekends to see the greatness of the City and the things that our young people are accomplishing in Durham.

Council Member Clement commended the McDougald Terrace community for the Health Fair sponsored by the National Council of Negro Women and announced his participation as a panelist on the plight of young black men forum in recognition of Dr. William Turner 16<sup>th</sup> Anniversary as Pastor of Mt. Level Missionary Baptist Church.

Council Member Woodard congratulated staff, volunteers and film makers for the Full-Frame Documentary Film Festival event; made comments on his attendance at the Durham Art Walk, congratulated Pastor Rick Finley, staff and members on celebrating Fellowship Baptist Church 50<sup>th</sup> Anniversary and announced he attended the opening day ceremony for the Durham Bulls Baseball Team.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Item # 1 [2006 Legislative Program] was pulled.

**MOTION** by Council Member Clement seconded by Council Member Woodard to approve the Consent Agenda as amended was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

#### **[CONSENT AGENDA]**

#### **SUBJECT: APPROVAL OF CITY COUNCIL MINUTES**

**MOTION** by Council Member Clement seconded by Council Member Woodard to approve City Council minutes for the March 20, 2006 regular City Council Meeting was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

#### **SUBJECT: DURHAM AREA TRANSIT AUTHORITY – RECEIPT AND ACCEPTANCE OF APPLICATIONS**

**MOTION** by Council Member Clement seconded by Council Member Woodard to receive and accept applications for citizens to fill four (4) vacancies on the Durham Area Transit Authority for three (3) Regular Members and one (1) Alternate Member with terms expiring on March 1, 2008 and March 1, 2009 was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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**SUBJECT: HOUSING APPEALS BOARD – RECEIPT AND ACCEPTANCE OF AN APPLICATION**

**MOTION** by Council Member Clement seconded by Council Member Woodard to receive and accept an application for a citizen to fill one (1) vacancy for a Regular Member to represent Tenant on the Housing Appeals Board with a term to expire on June 30 2008 was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: DURHAM PLANNING COMMISSION - REAPPOINTMENTS**

**MOTION** by Council Member Clement seconded by Council Member Woodard to reappoint Corinne A. Mabry representing District 4 and Harry Dawley representing District 6 to the Durham Planning Commission for terms expiring on June 30, 2009 was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN – PATTERSON PLACE II (D05-824)**

**MOTION** by Council Member Clement seconded by Council Member Woodard to approve a major site plan and development plan modifications to allow a shift in use locations and increased building heights for “Patterson Place II,” submitted by Horvath Associates on behalf of LH Boulevard LLC/Lincoln Harris, for a mixed use project (50,966 square foot retail, 46,998 square foot office, a 63,000 square foot, 120 room hotel) with 537 vehicle and 33 bicycle parking spaces on a 10.930 acre site zoned MU(D) and MTC, the property is located at 3501 Mt. Moriah Road, at the northeast corner of Mt. Moriah Road and McFarland Drive, PIN 0800-03-21-0494; 0800-03-21-3229; 0800-03-21-3120; 0800-03-21-0140 was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN – INDEPENDENCE PLACE APARTMENTS (D05-300)**

**MOTION** by Council Member Clement seconded by Council Member Woodard to approve a major site plan for “Independence Place Apartments,” submitted by Mitchell-Westendorf, P.A. on behalf of Blue Ridge Companies, Inc., for a 312 unit apartment complex with 660 vehicle parking spaces on a 42.2 acre site zoned OI (D), PDR-8, and F/J-B, the property is located at the east end of William Penn Plaza, south and east of Ben Franklin Boulevard, PINs 0833-01-05-5532, 0833-13-14-2908, 0833-01-15-0721, 0833-01-25-3938 (partial) was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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**SUBJECT: MAJOR SITE PLAN – HANMAUM CHURCH EXPANSION (D05-942)**

**MOTION** by Council Member Clement seconded by Council Member Woodard to approve a major site plan for “Hanmaum Church Expansion,” submitted by Horvath Associates, on behalf of Hanmaum Church, for a 21,000 square foot addition of two classrooms and recreation hall, 53 additional parking spaces and related infrastructure on a 10.59 acre site zoned RS-20, OI (D), F/J-B and MTC, with approval of 14 additional parking spaces in the floodway fringe, the property is located south of I-40, west of NC 55 and north of NC 54 at the northern end of Kristin Marie Lane, PIN 0728-04-94-1951 was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: STREET ACCEPTANCE – STONEHILL ESTATES, PH IV – SUMMER MEADOWS, PHASE I – RIDGEFIELD, PH 7B AND PATTERSON PLACE, PHASE 1**

**MOTION** by Council Member Clement seconded by Council Member Woodard to accept the streets listed below for maintenance by the City of Durham was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Stonehill Estates – PH IV**

- 1) Lodestone Drive – from the beginning of PH IV @ STA 15+18.54 north to the End of PH IV @ STA 26+45 (1,126’), and
- 2) Lodestone Drive – from STA 29+14 northeast thru the cul-de-sac (275’), and
- 3) Sapphire Drive – from the end of Phase I construction @ STA 20+90 northwest thru the cul-de-sac (381’), and
- 4) Slate Court – from the centerline of Lodestone Drive east thru the cul-de-sac (292’), and
- 5) Evanwald Court – from the centerline of Lodestone Drive west thru the cul-de-sac (345’).

**Summer Meadows – Phase 1**

- 1) **Summer Breeze Drive** – from the centerline of Danube Lane west to the end of construction @ STA 7+96.71 (697’), and
- 2) **Summer Breeze Drive** – from the centerline of Danube Lane east around loop and back to the centerline of Danube Lane (522’), and
- 3) **Danube Lane** – from the north curb line of Hebron Road north to the end of PH I @ STA 11+76.05 (1,046’), and
- 4) **Ocean Court** – from the centerline of Summer Breeze Drive north thru the cul-de-sac (408’), and
- 5) **Summer Storm Drive** – from the centerline of Danube Lane east to the end of PH I construction @ STA 4+17.54 (218’).

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**Ridgefield – Ph 7B**

- 1) **Pebblestone Drive** – from the centerline of Bengel Drive south to the end of Ph 7B @ STA 17+53.15 (1,405') and,
- 2) **Red Spring Court** – from the centerline of Pebblestone Drive west thru the cul-de-sac (144'), and
- 3) **Statler Drive** – from the end of Ph 7B @ STA 10+05 east past Pebblestone Drive to STA 18+98.59 (894'.)

**Patterson Place – Phase 1**

- 1) **Witherspoon Boulevard** – from the south curb line of Southwest Durham Drive south to the centerline of Danziger Drive (1,641'), and
- 2) **McFarland Road** – from the east curb line of Mount Moriah Road east to the centerline of Witherspoon Boulevard (1,454'), and
- 3) **Danziger Drive** – from the east curb line of Mount Moriah Road east to the end of construction @ STA 31+ 60.43 (2,140'.)

**SUBJECT: CITY OF DURHAM AND NCDOT FY 2005-06 TRANSPORTATION PLANNING GRANT PROJECT ORDINANCE SUPERSEDING “TRANSPORTATION PLANNING GRANT PROJECT ORDINANCE #13130”**

**MOTION** by Council Member Clement seconded by Council Member Woodard to authorize the City Manager to accept the City of Durham and the North Carolina Department of Transportation Section 104(f) and Section 133(b) (3) (7) FY 2005-06 Transportation Planning Grant by executing the grant documents; and

To adopt the City of Durham and the North Carolina Department of Transportation Section 104(f) and Section 133(b) (3) (7) FY 2005 Transportation Planning Grant Project Ordinance Superseding Grant Project Ordinance #13130 was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Ordinance #13250**

**SUBJECT: WATER EXTENSION AGREEMENT WITH DAVID-RODWELL TMC, LLC - TRIANGLE METRO CENTER WEST**

**MOTION** by Council Member Clement seconded by Council Member Woodard to authorize the City Manager to enter into a Water Extension Agreement with David-Rodwell TMC, LLC to serve Triangle Metro Center West was approved at 8:09 p.m. by the following vote: Ayes:

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Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: WATER EXTENSION AGREEMENT WITH TMC ASSOCIATES, LLC - TRIANGLE METRO CENTER SOUTH AND TRIANGLE METRO CENTER**

**MOTION** by Council Member Clement seconded by Council Member Woodard to authorize the City Manager to enter into a Water Extension Agreement with TMC Associates, LLC to serve Triangle Metro Center South and Triangle Metro Center was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: AMENDMENT TO CONTRACT TO AUDIT ACCOUNTS - DIXON HUGHES PLLC**

**MOTION** by Council Member Clement seconded by Council Member Woodard to authorize the City Manager, the Mayor, and the Chairperson of the Audit Services Oversight Committee to sign the amendment to increase the audit fee for the March 25, 2005 Contract to Audit Accounts with Dixon Hughes PLLC from \$69,450 to \$86,700 to cover the expansion of audit testing and additional audit procedures was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: CONVEYANCE OF AN EASEMENT TO CHANCELLOR'S RIDGE HOMEOWNERS ASSOCIATION, INC. ON A PORTION OF CITY TRACT #1913 TO CONSTRUCT A PEDESTRIAN BRIDGE TO A SEGMENT OF THE AMERICAN TOBACCO TRAIL - SOUTH OF MASSEY CHAPEL ROAD**

**MOTION** by Council Member Clement seconded by Council Member Woodard to authorize the Mayor to execute a deed of easement of approximately 1,178 square feet on a portion of City Tract #1913 to the Chancellor's Ridge HOA to connect a pedestrian trail to the American Tobacco Trail south of Massey Chapel Road was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: DONATION TO THE CITY OF DURHAM 8 PARCELS FROM LEONARD AND NORMA DAVIS AND HELEN AND WILLIAM MILLS – 1407 AND 1415 W. CLUB BOULEVARD; 713, 715, 717 AND 719 JOE LOUIS BOULEVARD; 717 MILLBROOK AVENUE, 2924 GADDY STREET**

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**MOTION** by Council Member Clement seconded by Council Member Woodard to accept the donation of Parcels 100338, 100339, 116375, 116376 and 133333 from the Grantors, Leonard and Norma Davis, and Helen and William Mills;

To not accept the donation of Parcels 133334, 133343 and 133351; and

To authorize the Mayor to execute a Quit Claim Deed re-conveying them to the Grantors was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: PROPOSED SALE OF 1407 GLENDALE ROAD, PARCEL ID # 105632 - CHRISTOPHER LEE WEAVER**

**MOTION** by Council Member Clement seconded by Council Member Woodard to accept the offer of \$300 from Christopher Lee Weaver to purchase City Tract # 254 (Parcel 105632) provided he does not owe any outstanding property taxes, and pays all recording and document preparation fees; and

To authorize the City Manager to sell the property and the Mayor to convey the property with a non-warranty deed with retention of the 30 ft. sanitary sewer easement across the parcel--under the authority of Section 86 of the City Charter was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: LEAD ABATEMENT CONTRACT EXTENSION - MATRIX HEALTH & SAFETY CONSULTANTS**

**MOTION** by Council Member Clement seconded by Council Member Woodard to authorize the expenditure of 2001-2002 CDBG funds in an amount not to exceed \$30,000;

To authorize the City Manager to amend the Matrix Health & Safety Consultants contract to increase the amount by \$30,000 for a total contract amount of \$179,500, and extend the contract period to September 30, 2006; and

To authorize the City Manager to make minor changes to the amendment provided the modifications do not lessen the duties of the contractor and are consistent with the general intent of the contract was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.



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**SUBJECT: 2005 ANNUAL REPORT OF THE DURHAM OPEN SPACE AND TRAILS COMMISSION**

**MOTION** by Council Member Clement seconded by Council Member Woodard to receive an Annual Report on the 2006 Durham Open Space and Trails Commission was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: RESOLUTION AND GRANT PROJECT ORDINANCE AUTHORIZING AN INTERN PROGRAM WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION [NCDOT]**

**MOTION** by Council Member Clement seconded by Council Member Woodard to adopt a Resolution authorizing the City Manager to enter into an internship agreement with the North Carolina Department of Transportation; and

To adopt the FY2006-07 North Carolina Department of Transportation Transit Intern Grant Project Ordinance was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Resolution #9347  
Ordinance #13251**

**SUBJECT: MUNICIPAL AGREEMENTS FOR NCDOT LANDSCAPING PROJECTS ALONG I-85, I-85 AT COLE MILL ROAD, I-40 AND GUESS ROAD (NC 157)**

**MOTION** by Council Member Clement seconded by Council Member Woodard to adopt resolutions authorizing the City Manager and the City Clerk to execute Municipal Agreements for the following NCDOT projects: 1) Landscape Agreement Project I-0306 C, I-0306 DB and I-0306 DC; 2) Landscape Agreement Project E-2973 E; 3) Landscape Agreement I-3306 B; and 4) Landscape Agreement U-2102; and

To authorize the City Manager to make modifications to the agreements provided that the modifications do not increase the City's financial obligation and are consistent with the agreements approved by the City Council was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Resolution #9348 – 9349 – 9350 -9351**

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**SUBJECT: CONTRACT ST-226, STREET REPAIRS AND RESURFACING -  
BARNHILL CONTRACTING COMPANY**

**MOTION** by Council Member Clement seconded by Council Member Woodard to authorize the City Manager to execute a contract with Barnhill Contracting Company for street repairs and resurfacing in the amount of \$ 1,962,886;

To establish a contingency fund for Contract ST-226 of \$ 294,433; and

To authorize the City Manager to negotiate change orders for Contract ST-226 provided that the cost of all change orders does not exceed \$ 294,433 and the total project cost does not exceed \$2,257,320 was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: CITY OF DURHAM NETWORK UPGRADE - CALENCE LLC**

**MOTION** by Council Member Clement seconded by Council Member Woodard to authorize the City Manager to execute a contract with Calence LLC in the amount of \$180,946 for the purchase, installation and maintenance of Cisco data network switching equipment; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: DURHAM CENTRAL PARK**

To receive an update of the status of the Durham Central Park.

**Note: A presentation was received at the April 6, 2006 Work Session.**

**SUBJECT: DOWNTOWN DURHAM REVITALIZATION**

To receive a presentation on the Downtown Durham Revitalization.

**Note: A presentation was received at the April 6, 2006 Work Session.**

**SUBJECT: 2005 BOND PROJECT IMPLEMENTATION UPDATE**

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To receive a presentation from the administration regarding the implementation timeline for the 2005 bond projects.

**Note: A presentation was received at the April 6, 2006 Work Session.**

**SUBJECT: PRESENTATION FOR THE REPLACEMENT OF THE EXISTING PEDESTRIAN BRIDGE OVER THE DURHAM FREEWAY (NC 147) AT ALSTON AVENUE, NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PROJECT NUMBER U-4445, WBS 367261.1**

To receive a presentation for the replacement of the existing pedestrian bridge over NC-147, NC Department of Transportation Project # U-4445.

**Note: A presentation was received at the April 6, 2006 Work Session.**

**SUBJECT: COVER THE UNINSURED MONTH**

**MOTION** by Council Member Clement seconded by Council Member Woodard to adopt a Resolution Proclaiming the Month of May 2006, as "*Cover the Uninsured Month*" in Durham, North Carolina was approved at 8:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**Resolution #9353**

#### **[GENERAL BUSINESS AGENDA]**

**SUBJECT: INFRASTRUCTURE FOUNDATION FOR 21ST CENTURY NORTH CAROLINA**

Council Member Stith raised a concern with this item noting he does not know the fiscal impact and process on how these lands will be procured.

Council Member Brown made comments on this item.

Senator Wib Gulley made comments on this item.

Tom Krakauer, Co-Chair of the Durham County Land for Tomorrow Committee, gave a power point presentation on this item. He noted this is a very important project. It's a growing partnership of 140 organizations and jurisdictions around the state working to build awareness of the importance of preserving those things that make North Carolina such a wonderful place to live in, work and encourage visitors to come. He stated this proposal is for \$200 million per year for five years and highlighted the following: Why Act Now, significant land ownership shifts,

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to grow the economy and provide jobs, to support our valuable industries, so we can enjoy North Carolina; to protect public health; to protect native plants and wildlife; fulfilling the mandate; which places should we protect; places that matter; five-year protection goals; how much will it take; build on current foundation; landing jobs: a new initiative; next step; accomplishments in 2005; current status; what can you do; if we're successful; and funding sources. He asked Council to adopt the resolution of support and to ask the NC Legislature to vote at the next session to put a referendum on the ballot in November 2006. [handout provided].

Senator Wib Gulley made comments in support of this item. He made comments on the funding, water and sewer infrastructure bond issue being talked about on the state level.

Council Member Stith asked questions relative to the debt [property taxes], how properties will be acquired and who will be impacted.

Senator Gulley made comments on the bond indebtedness, infrastructure and trust funds issues. He noted the acquiring program will be addressed through existing state programs and guidelines for securing properties will be voluntarily and not by eminent domain.

Council Member Woodard made comments in support of this item. He noted this is an opportunity for the state and citizens of North Carolina to protect the environment, protect the rich heritage and to contribute to economic development opportunities.

Council Member Clement asked what mechanism decides what jurisdiction receives what funding.

Senator Wib Gulley briefed Council on the competitive process for the awarding of grants on an annual basis.

**MOTION** by Council Member Clement seconded by Council Member Catotti to adopt a resolution of support for the Infrastructure Foundation for 21st Century North Carolina that provides for the issuance of bonds by the State of North Carolina--(Senate Bill 1046 from the 2005 Session) was approved at 8:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement and Woodard. Noes: Council Member Stith. Absent: None.

### **Resolution #9352**

#### **SUBJECT: CENTRAL PARKING SYSTEM, INC. FOR MANAGEMENT OF THE CITY'S OFF-STREET AND ON-STREET PARKING PROGRAMS**

To authorize the City Manager to execute the First Amendment to Parking Facility Management Agreement by and between the City of Durham and Central Parking System, Inc. to provide professional parking management services and be compensated as provided in the agreement; and

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To authorize the City Manager to make changes to the agreement extension before executing it if changes do not increase the dollar amount of the agreement, and do not decrease the goods and services to be provided to the City.

Mark Greenspan, of General Services, made comments on the contract extension with Central Parking System, Inc. noting additional materials were distributed in support of this item.

A motion was made by Council Member Clement seconded by Council Member Catotti to approve this item as printed on the agenda.

Mayor Pro Tempore Cole-McFadden made comments on the staffing issue.

Joshua Bowens, representing Central Parking System, made comments on the staffing issue.

Council Member Stith expressed a concern that this item was not sent out for bidding.

Mark Greenspan, of General Services, noted staff has reviewed the item and this is not an automatic renewal. Based upon the contractor's performance, staff is recommending a contract extension. He noted Central Parking System has met the performance and financial terms of the contract, they have support from the downtown stakeholders and these factors resulted in staff's recommendation of a contract extension.

Council Member Stith made comments on whether the downtown stakeholders who use the parking garages were polled.

Mark Greenspan, of General Services, made comments on the design of the Durham Centre parking garage.

Council Member Woodard raised a concern with the traffic and ingress/egress from the Durham Centre parking garage during the Full-Frame Documentary event. Also, he made comments on the benchmarking issue.

City Manager Baker made comments on the deck design problems.

Council held discussion on event parking concerns and market process.

Mark Greenspan, of General Services outlined process if this item goes to market.

A substitute motion was made by Council Member Stith seconded by Council Member Woodard to direct staff to open the process up to a Request for Qualification [RFQ] for the management of the City's off-street and on-street parking programs.

Council held discussion on the RFQ process.

Mayor Bell asked staff to benchmark providers on how they would handle the deck problem.

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Council held discussion on the Durham Centre parking deck plan—design, maintenance and timeline for renovations.

Mark Greenspan, of General Services, noted staff will provide a recommendation on all of the parking deck maintenance issues.

Council Member Catotti noted more should be done in the area of marketing and communication—signage directing individuals to other available parking in the parking deck.

Bill Kalkhof, of Downtown Durham, Inc., spoke in support of the contract extension being awarded to Central Parking System. He made comments on their work experience in the community, the need for improvement in the customer service area and on-site parking. He urged Council to provide free parking on the weekends and after 6:00 p.m. which would be a great need for downtown.

General Manager Bob Kamper, of Central Parking System, made comments on the challenges [structurally and with themselves]—need for better signage, being pro-active regarding ingress/egress of Durham Centre parking deck. He made comments on his staff and what his organization has done for the City.

Council Member Clement directed the City Manager to provide a report at the next cycle on the impact of free parking in the decks on the weekends and after 6 p.m.

A substitute to the substitute motion was made by Council Member Brown to extend the contract for Central Parking System for one year. Motion dies for a lack of a second.

**SUBSTITUTE MOTION** by Council Member Stith seconded by Council Member Woodard to direct staff to open the process up to a Request for Qualification (RFQ) for the management of the City's off-street and on-street parking programs was approved at 9:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Catotti, Clement, Stith and Woodard. Noes: Council Member Brown. Absent: None.

#### **[GENERAL BUSINESS AGENDA – PUBLIC HEARINGS]**

#### **SUBJECT: DRAFT FY 2006-2007 ANNUAL ACTION PLAN**

To receive public comments on the Draft FY 2006-2007 Annual Action Plan for use of CDBG, HOME and ESG funds.

Housing & Community Development Director Mike Barros made comments on this item.

Associate Director Larry Jarvis made comments on the public hearing that was held by the County Commissioners on this item last Monday. Regarding the HOME funds, he noted the Durham County Commissioners asked staff to make one adjustment to increase funding to The Durham Center from \$50,000 to \$100,000 and take the difference out of the Housing

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Rehabilitation line item. He made comments on the concerns raised by the Durham Affordable Housing Coalition regarding funding level for housing counseling; however, staff is proposing to go to the allocation of 2006-07 CDBG funds for housing rehabilitation and hold back approximately \$35,000 until the end of the fiscal year.

Mayor Bell opened the public hearing.

Lee Bordley, of 1018 Gloria Avenue, spoke in support of funding for Partners for Youth which would enhance the academic component of its programs.

Raymon Daye, of 701 Carroll Street, shared with Council how Partners for Youth has helped him and his peers.

Gudrun Parmer, of 326 E. Main Street, spoke in support of funding for Durham County Criminal Justice Resource Center for job skills training.

Judge Craig Brown, 1403 Pennsylvania Avenue, urged Council to support funding for Durham County Criminal Justice Resource Center.

Phyllis Glover, of 1506 Wabash, mentioned what the Dove House did for her. She spoke in support of funding for Housing for New Hope.

Larry Jarvis, of Housing & Community Development, noted Housing for New Hope has received funding for several consecutive years for operating support and noted according to HUD regulation, the public service funds are not to be used as an on-going means of operating but to fund new expanded start up public services activities. He noted staff is not recommending funding for operating funds.

Mayor Bell asked staff does the applicant know the guidelines under which they have to qualify to receive funding.

Associate Director Larry Jarvis noted last year there was discussion advising them to not apply again this year.

Mayor Pro Tempore Cole-McFadden asked staff how we are dealing with the 10-year plan to end homelessness if we are going to achieve our goals.

Housing Director Mike Barros noted the implementation of the 10-year plan to end homelessness will be coming to Council shortly.

Alphonzo Williams, of 10 Cynthia Court, urged Council to support funding for Housing for New Hope [Phoenix House] since he was given an opportunity to make a change in his life.

Council Member Woodard asked a question relative to what HUD's regulation prohibits.

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Larry Jarvis outlined what HUD's intent of public services funds should be used for - new and expanded start-up activities, but not to be used for an on-going means of operating support for any organization. Also, he made comments on the three-year limit as an administrative way of trying to comply with HUD's regulation.

Housing Director Mike Barros referenced how Housing for New Hope could expand their service and be funded.

Andrew Hanson, of 1617 Lawson Street, spoke in favor of funding for the re-entry program for offenders. He noted Durham Tech offers the educational piece: employability skills, computer basic skills, how to start your own business, construction and 340 hours of hands-on live project.

Andrew Balber, of 2608 Nation Avenue, spoke in support of funding for Self-Help, CDC and Habitat for Humanity. Also, he spoke in support of funding for the program put forth by the Housing Department.

Council Member Woodard requested staff to provide a revised sheet that outlines the total for requested projects.

Council held discussion on comparison of CDBG/HOME funding for last year and this year.

Diane Wright, of 601 E. Markham Avenue, spoke in support of safe, decent and affordable housing. She asked Council to increase local funds for housing to make up for federal cuts; increase local funds for housing inspectors to free up federal grants for actual housing, and to continue funding for Durham Affordable Housing Coalition.

Christine Westfall, of 841 Clarendon Street, asked Council to direct local funds for the Housing Inspection budget.

Lorisa Seibel, representing the Campaign for Decent Housing, urged Council to find funding for the Durham Affordable Housing Coalition's housing counseling program.

Mildred Cannady, of 2619 Atlantic Street, noted she has an affordable house and spoke in support of Durham Affordable Housing Coalition.

Rich Lee, of 1302 Green Street, spoke in support of funding for housing inspectors coming out of general revenue, asked Council to combine CDBG/HOME funds with non-city agency funds, and fund groups that have an established track record.

Amy Brannock, of 2905 Harriman Road, spoke in support of funding for the Durham Crisis Response Center to end domestic violence and sexual assault.

Shemika Houseto, of 2112 Broad Street, a victim of Hurricane Katrina thanked the Durham Affordable Housing Coalition for assisting her family.



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Lanya Shapiro, of 1217 Clarendon Street/representing the Citizens Advisory Committee, noted the Durham County Criminal Justice Resource Center should be funded by the county and the allocation of \$69,606 recommended to the resource center be allocated to fully fund the YMCA and John Avery Boys and Girls Club's request with the remaining balance going to Operation Breakthrough. Also, she noted that the CAC strongly supports restoring CORE functions to the General Fund and more widely communicating technical assistance to organizations that serve people with mental disabilities and Hispanic community.

Mayor Bell closed the public hearing.

Associate Director Larry Jarvis noted this is the second public hearing on this item. The first one was held in December 2005. On May 1<sup>st</sup> Council will adopt the Annual Action Plan to be delivered to HUD by May 15.

Council Member Catotti noted that additional local funds need to be found to address declining federal funds. Also, she spoke in support of housing inspectors being funded out of the general fund --25%.

Council Member Stith asked staff what's the impact on providing assistance to the elderly as a result of the County's request.

Associate Director Larry Jarvis addressed the rehab line item.

Mayor Pro Tempore Cole-McFadden raised a concern that there is no comment in the JRuth line item.

Larry Jarvis made comments on JRuth's drawdown of existing funding.

Mayor Bell requested that the JRuth line item be flagged.

Mayor Pro Tempore Cole-McFadden expressed concern about Operation Breakthrough's funding level and requested additional information to be provided at the work session. The Mayor Pro Tempore requested additional information on the HOMEOWNERSHIP and housing rehab programs.

Council Member Catotti requested information on Rebuild Durham.

Mayor Bell requested additional information on the Phoenix and Dove House.

Associate Director Larry Jarvis explained the 15% cap spent for public services and stated additional information will be provided at Thursday's Work Session.

Council Member Woodard asked staff to explain the number of programs not related to housing.

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Mayor Pro Tempore Cole-McFadden asked staff to provide on Thursday if there is any money from prior years that remains unspent and maybe reprogrammed and used for other programs not receiving funding.

**NOTE: See action taken on this item later in the meeting.**

**SUBJECT: ZONING MAP CHANGE - NCCU BRITE CENTER - (Z05-42)**

To receive public comments on the zoning map change for NCCU Brite Center;

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change Case Z05-42 out of OI(D) and placing same in and establishing same as OI(D) Change in Development Plan; and

To adopt as support for its action on the above ordinance amendments the findings that the ordinance is consistent with the Comprehensive Plan and that the request is reasonable and in the public interest considering the determination and facts as set forth in the accompanying staff report.

Planning Department Recommendation: Approval, based on consistency with the Comprehensive Plan and considering the information contained in this report.

Planning Commission Recommendation and Vote: Approval - 10-1 on February 14, 2006, based on consistency with the Comprehensive Plan and information in the staff report and testimony received during the public hearing, as well as the development plan and the modification to the committed elements proffered by the applicant during the public hearing, to reinstate the wording of the prior committed element concerning roadway improvements at the intersection of Lawson and Fayetteville Streets and remove the reference to a roundabout.

**Note: This item was approved at the April 6, 2006 Work Session with a vote of 6/0.**

**[ITEM PULLED FROM CONSENT AGENDA]**

**SUBJECT: 2006 LEGISLATIVE PROGRAM**

**MOTION** by Council Member Clement seconded by Council Member Catotti to approve the 2006 Legislative Program as outlined below was approved at 10:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**I. Charter Amendments/Local Bills**

Allow Fair Housing Organizations to File Complaints with Durham Human Relations Commission.

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In the 2003 legislative session, the State Fair Housing Act was amended to authorize fair housing enforcement organizations to file complaints with the North Carolina Human Relations Commission on behalf of alleged victims of discriminatory housing practices, G.S. 41A-7(a). In contrast, the City's local act enabling authority does not authorize such action by fair housing enforcement organizations. In the absence of specific enabling authority, court decisions do not appear to allow such filings by fair housing enforcement organizations. To improve the effectiveness of the City's fair housing program, the proposed legislation gives the City the same authority as was conferred upon the North Carolina Human Relations Commission by the 2003 legislation.

## II. Resolutions

Resolution in support of additional State resources for the Durham County court system.

### **Resolution #9346**

Resolution in support of the proposed North Carolina Street Gang Prevention Act. This item was co-sponsored by Representative Michaux and passed the House during the 2005 legislative session. **Resolution #9345**

## **[GENERAL BUSINESS AGENDA – PUBLIC HEARING]**

### **SUBJECT: DRAFT FY 2006-2007 ANNUAL ACTION PLAN**

**MOTION** by Council Member Clement seconded by Council Member Stith to receive public comments on the Draft FY 2006-2007 Annual Action Plan for use of CDBG, HOME and ESG funds was approved at 10:12 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 10:12 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk